

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 27, 2000

DIVISION ONE

Court convened at 9:00 A.M.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Masterson, J., Aragon, J. (Assigned)
and C. Hon, Deputy Clerk.

Each of the following:

B132115 D.C.F.S. v. Edward W.

B133135 In re Nicole L./D.C.F.S. v. Latasha L.

Argument waived, cause submitted.

B123955 Drum
 v.
 Peterson

Merits:

Argued by James S. Link for appellant and by Peter J. Godfrey for
respondent. Counsel waives the presence of Presiding Justice Spencer.
Cause submitted.

B133726 Weiner et al.
 v.
 United Services Automobile Association

Appearances:

Mark R. Israel for respondent. No appearance for appellants. Counsel
waives the presence of Presiding Justice Spencer. Argument waived, cause
submitted.

DIVISION ONE (Continued)

B120091 Birds
 v.
 Law Offices Of Raymond L. Henke et al.

Appearances:
Edmund G. Farrell, III for respondent Simke, Chodos. No appearance for respondent Law Offices of Herbert Hafif and no appearance for appellant. Counsel waives the presence of Presiding Justice Spencer. Argument waived, cause submitted.

B131088 CBT Financial Services, Inc.
 v.
 Bardin

Merits:
Argued by Ian A. Bardin, appellant in propria persona, and by Ernest A. Martz for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

B131106 Delahoussaye
 v.
 County Of Los Angeles

Merits:
Argued by Stephen R. Morris for respondent. No appearance for appellant. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

B133633 Nagy et al.
 v.
 Frontier State Bank

Merits:
Argued by Michael R. Sohigian for appellants and by Scott L. Dahle for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B110053 People
 v.
 Snyder

Merits:

Argued by Mark J. Geragos for appellant and by Marc Nolan, deputy attorney general for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

B123192 FN Development Company, Alpha et al.
 v.
 Paramar Partners et al.

Merits:

Argued by J. Daniel Sharp for respondents and by Irving H. Greines for appellants. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

Masterson, J. leaves the bench.

B124062 Ringgold
 v.
 Era Duncan & Associates et al.

Merits:

Argued by Patricia Ringgold for appellant and by Margaret Johnson Wiley for respondents. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

Masterson, J. returns to the bench.

B129307 Ringgold
 v.
 Baker

Merits:

Argued by Patricia Ringgold for appellant and by Gertrude Trudy Polsky for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B128021 J & K Management, Inc.
 v.
 Glendale Federal Savings Bank et al.

Merits:
Argued by Steven C. Smith for appellant and by Patricia M. Snyder for respondents. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

B132155 ECC Construction, Inc.
 v.
 Charles Ganson et al.

Merits:
Argued by John Carvolho and Aaron B. Booth for appellant and by Jerome D. Meier for respondents. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

Vogel (Miriam A.), J. returns to the bench.

B133973 Roberts
 v.
 National Life Insurance Company Of Vermont et al.

Merits:
Argued by Darrin F. Meyer for appellant and by Andrew S. Williams for respondent National Life. No appearance by counsel for respondent Barry S. Siegal. Counsel for respondent National Life Insurance Company to submit a declaration re fees for appeal by the end of today. Cause submitted.

DIVISION ONE (Continued)

B135841 Lockheed Information Management Services Company
 v.
 City Of Inglewood

Merits:

Argued by Frederick B. Hayes for appellant and by Richard M. Mosk for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

Aragon, J. (Assigned) leaves the bench.

B129259 Morrow, Scuria, Golenor & Salisbury
 v.
 Murray I. Rapaport et al.

Merits:

Argued by Guy C. Nicholson for appellant and by Rebecca R. Weinreich for respondents. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

Aragon, J. (Assigned) returns to the bench.

B131083 Ortega
 v.
 K-Mart, Inc.

Merits:

Argued by Diane Goldman for appellant and by Richard A. Lense for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B124064 Maryland Casualty Company
v.
Andreini & Company Of Southern California et al.

Merits:
Argued by Batya F. Smernoff for respondent Andrieni & Co., by G. Edmund Siebel, Jr. for respondent Henkle, by Mark R. Matthews for respondent Dempsey and by Michael Bruce Abelson for appellant. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

Court adjourned.

B138697 People (Not for Publication)
v.
Potts

The judgment on count 9 is reversed. In all other respects, the judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Aragon, J. (Assigned)

B132115 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Edward W.

We affirm the challenged orders.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B133695 People (Not for Publication)
v.
Reginald Emil M.

The appeal is dismissed as to the October 14, 1998, order sustaining the petition and committing defendant to camp. The May 12, 1999, order returning defendant to camp is reversed. The matter is remanded for appropriate proceedings.

Ortega, J.

We concur: Spencer, P.J.
Aragon, J. (Assigned)

DIVISION TWO

B127422 Asoka Jayaweera (Not for Publication)
v.
City of La Verne
Warmington Homes

The judgment is affirmed. Each party to bear their own costs on appeal.

Nott, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

B137731 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Nott, Acting P.J.

We concur: Cooper, J.
Mallano, J. (Assigned)

June 27, 2000-Continued

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

B131254 People (Not for Publication)
v.
Nicholson

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

B133593 People (Not for Publication)
v.
Rogers

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

B124184 People (Not for Publication)
v.
Bracamontes & Cardenas

Bramontes's judgment is affirmed. As to Cardenas, the case is remanded to the trial court with directions to: (1) strike the one-year enhancement under section 667.5, subdivision (b); (2) reduce the section 12022 enhancements on counts 5 and 10 to four months each; (3) correct the arithmetical errors in the judgment as originally pronounced; (4) consider whether to strike the prior conviction allegation as to one or more counts; and (5) send the Department of Corrections a corrected abstract of judgment. In all other respects, Cardenas's judgment is affirmed.

Nott, Acting P.J.

I concur: Cooper, J.
I concur: Mallano, J. (Assigned)

At time of sentencing, the trial court imposed an \$8,000 restitution fine against each appellant pursuant to section 1202.4. However, the trial court failed to impose an identical parole revocation fine as required by section 1202.45. Respondent failed to object to the trial court's omission. Respondent requests that we modify the judgment to impose a parole revocation fine in the sum of \$8,000 as to each appellant. We decline the request, because respondent failed to raise the issue at the time of sentencing. (*People v. Tillman* (2000) 22 Cal. 4th 300.)

Cooper, J., Mallano, J.

I dissent: Nott, Acting P.J. (Opinion)

DIVISION TWO (Continued)

B132430 People (Not for Publication)
v.
Gonzalez

The judgment of conviction is affirmed. The sentence is reversed, and the matter is remanded to the trial court. On resentencing, the trial court shall stay the sentence on count II.

Nott, Acting P.J.

We concur: Cooper, J.
Mallano, J. (Assigned)

B134401 People (Not for Publication)
v.
Adam Z.

The finding as to count I is reversed. The juvenile court is directed to reduce appellant's placement by eight months. In all other respects, the order under review is affirmed.

Nott, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

DIVISION THREE

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

[illegible]

The judgment is modified to stay the 25-years-to-life prison term imposed for Perez's conviction of second degree burglary (Pen. Code, 654). The abstract of judgment is modified to reflect the imposition of a \$10,500 direct restitution fine, payable to Great Western Bank, as imposed by the trial court. (Pen. Code, 1204.4, subd. (f).) The clerk of the superior court is ordered to prepare an amended abstract of judgment and to forward a corrected copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B137582 In re Steven Vargas (Certified for Publication)
on
Habeas Corpus

The petition for writ of habeas corpus is granted and the order to show cause is discharged. The superior court is directed to conduct an evidentiary hearing. We confer jurisdiction upon the superior court to grant or deny relief based upon the law and the facts so determined.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B134364 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B132942 People (Not for Publication)
v.
Daniel P.

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B139437 County Line Claim Services, Inc. (Not for Publication)
v.
Superior Court, Los Angeles County
(Chu, r.p.i.)

Let a writ of mandate issue directing respondent to set aside the order of February 10, 2000, overruling the demurrers, and to enter a new order sustaining the demurrers without leave to amend to the first two causes of action and granting real parties leave to file an amended complaint addressing the third cause of action. The alternative writ having served its purpose, it, and the stay ordered the same date, are ordered discharged. Each party is to bear its own costs.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B127059 People (Not for Publication)
v.
Miller

The judgment is modified to reflect reduction of the restitution fine to \$200; the striking of the two one-year prior prison term enhancements arising, respectively, from LASC No. A636183 and RSC No. CR32028; and the striking of the GBI enhancement on count 5. In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting these modifications.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B136579 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Norma E.

The order is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B134592 People (Not for Publication)
 v.
 Romero

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B131278 Hayes (Not for Publication)
 v.
 California Commerce Club, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

June 27, 2000-Continued

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B130999 People (Not for Publication)
v.
Lucero

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B135066 People (Not for Publication)
v.
Jamal D. (minor)

The order is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B129271 People (Not for Publication)
v.
Dwayne Edward Dickson

The judgment is modified to reflect imposition of: an additional Penal Code section 1202.45 restitution fine; a \$50 Penal Code section 1464 penalty assessment on the Health and Safety Code section 11372.5, subdivision (a) laboratory analysis fee; and an additional \$35 Government Code section 76000 penalty assessment on the Health and Safety Code section 11372.5, subdivision (a) laboratory analysis fee. A corrected abstract of judgment which reflects all the fines and assessments imposed must be prepared and forwarded to the Department of Corrections. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B136418 People (Not for Publication)
v.
Steven D.

The order committing the minor to the California Youth Authority is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B126156 Koala Productions, Ltd., et al. (Not for Publication)
v.
Melvin Simon, et al.

The order awarding attorney's fees to respondents is affirmed. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
Grignon, J.

B128113 People (Not for Publication)
v.
Hemsley

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
Armstrong, J.

B133751 People (Not for Publication)
v.
McBride

The judgment is modified to reflect presentence custody credit of 440 days comprised of 294 days in actual custody and 146 days of good conduct credit. The clerk of the superior court is directed to send to the Department of Corrections a corrected abstract of judgment. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION SIX

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B135495 People v. Gettings (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

June 27, 2000-Continued

DIVISION SEVEN

B137490 People (Not for Publication)
v.
Outland

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.